

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HARRY SHAROD JAMES-EL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:20CV762
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant(s).	)	

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 10, 2020, was served on the parties in this action. ECF No. 3. Plaintiff objected to the Recommendation. ECF No. 5.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. To the extent Plaintiff seeks to amend his Complaint to name individual federal employees rather than the United States itself, such attempt would be futile as Plaintiff's Complaint would still fail to state any claim for relief. *See Katyle v. Penn Nat. Gaming, Inc.*, 637 F.3d 462, 471 (4th Cir. 2011) ("Futility is apparent if the proposed amended complaint fails to state a claim under the applicable rules and accompanying standards[.]"). Thus, the court need not grant leave to allow Plaintiff an opportunity to amend his Complaint and the court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted, as well as for seeking monetary relief against a defendant who is immune from such relief.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 30<sup>th</sup> day of November 2020.

/s/Loretta C. Biggs  
United States District Judge